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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,752	12/13/2004	Zmaj Petrovic	1429-150	6076

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EXAMINER

DEUBLE, MARK A

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/517,752	Applicant(s) PETROVIC, ZMAJ	
	Examiner Mark A. Deuble	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/16/05</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 48, 49.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

The specification appears to be a rough translation of the French application to which the present application claims priority. While it is understandable for the most part, it is full of awkward phrasings and terminology that does not accurately describe the present invention. For example, the specification repeatedly refers to the parts 6/7, 44/45/46/47, and 6A/7A extending from the central cores of the chain links as slots. However, these parts cannot be viewed as slots

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because they are projections that extend from the central cores of the chain links rather than narrow openings or grooves as the word slot suggests. They define slots between each other, but they are not slots themselves. While applicant may act as his own lexicographer to define a term of a claim contrary to its ordinary meaning, the written description here does not do so. It is recommended that the term slot be replaced with a more appropriate term such as projection, link, or hinge element as is commonly used in the art.

Another example can be found in paragraph 45, which states in part that “In this connection and according to a first embodiment shown in Figures 3, 4 and 5, said openings 8A, 9A are oblong in shape and end at least on the external most distant side 30, 31 with respect to the median plane 32 of the chain-link module 18, in a semicircular sector 33 the center 34 of which is located on an axis 35, 36 convex in shape of a considerable curve radius, exceeding one meter, seen with respect to said median plane 32.” It is unclear how the center of one of the semicircular sectors of the openings is located on an axis with a convex shape or how the curve radius is seen with respect to the median plane. It is suggested that the structure illustrated in Fig. 4 that the above quoted language attempts to describe may be better described by adding language such as “the centers 34 of the semicircular sectors 33 collectively define an outwardly curving axis 35, 36 that is convex and has a considerable radius of curvature exceeding one meter.”

Another example can be found in paragraph 46, which states in part that “Those [slots] at the front 44, respectively at the rear 47, of the front 40, respectively rear 41 intermediate chain-link, are provided with an opening 8A, 9A adapted to the cylindrical section of the pivot pin 10, 11 crossing them. Whereas the slots at the rear 45, respectively at the front 46, of the front 40,

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respectively rear 41 intermediate chain-link, are provided with an oblong opening 48 ; 49 which ends at least on the external most distant side 50 ; 51 with respect to the median plane 52 ; 53 of the corresponding intermediate chain-link 40., 41, in a semicircular sector 54', 55 the center 56', 57 of which is located on an axis 58 ; 59 convex in shape of a considerable curve radius, exceeding one meter, seen with respect to said median plane, respectively 52 ; 53.” While the figures enable the examiner to guess at what these sentences are attempting to describe, it is unclear exactly what they mean.

Appropriate correction is required.

#### ***Claim Objections***

4. Claim 3 is objected to because of the following informalities:

Claim 3 states that “the central core *being defined by two juxtaposed bars, a front bar carrying rear slots and a rear bar carrying front slot the bars adopting a symmetric arrangement with respect to a transverse median plane of a chain-link and being defined by two juxtaposed bars, the front bar carrying the rear slots and the rear bar carrying the front slots, the bars adopting a symmetric arrangement with respect to the transverse median plane of a chain-link* and being convex in shape facing each other with a considerable curve radius, exceeding one meter.” This italicized language in the quotation is redundant and an apparent typographical error. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “slot” in claims 1-3 is used by the claim to mean “a projection”, while the accepted meaning is “a narrow opening or groove.” The term is indefinite because the specification does not clearly redefine the term.

Claim 2 states that “said slots at the front, said slots respectively at a rear, of the front and a respectively rear chain-link, being provided with an opening, adapted to a cylindrical cross-section of a pivot pin crossing the chain-links, wherein the slots at the rear, respectively at the front, of the front, respectively rear intermediate chain-link, are provided with an oblong opening, the opening ending, at least on an external most distant side with respect to a median plane of the corresponding intermediate chain-links semicircular sector, a center thereof being located on an axis convex in shape of a considerable curve radius . . .” This language is incomprehensible to the examiner even when read in light of the drawings and specification and thus it renders the scope of the claim impossible to ascertain.

***Allowable Subject Matter***

7. Claims 1-3 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
8. Claims 4-7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited prior art show planar conveyor belts that are designed to move along curved trajectories in a fashion similar to that of the present invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Deuble whose telephone number is (571) 272-6912. The examiner can normally be reached on Monday through Friday except for alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

md

MARK A. DEUBLE  
PATENT EXAMINER

